

Response under 37 CFR §1.116  
Attorney Docket No.: 030770  
Application No.: 10/606,219

### **REMARKS**

Claims 10-13 are pending in the present application.

Applicants would like to thank Examiner Jones for discussing this application in an interview on November 20, 2008. In the interview, Examiner Jones agreed to withdraw the rejection upon Applicants formally submitting the arguments discussed in the interview. The discussion below was presented in the interview.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Walsh** (US 5,952,943). Favorable reconsideration is requested.

Claim 10 recites the following limitations:

a determiner for determining whether or not a decoding process of the encoded image components for one frame is completed by said decoder when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver; [and]

a controller for controlling a decoding amount in said decoding process of the encoded image components for one frame *when said determiner determines* that said decoding process has not been completed;

and claim 12 recites the following limitations:

determining whether or not a decoding process of the encoded image components for one frame is completed in said decoding step when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver; [and]

controlling a decoding amount in said decoding process of the encoded image components for one frame *when it is determined in said determining step* that said decoding process has not been completed.

Walsh is directed to image encoding schemes. Specifically, Walsh discloses controlling the encoder by adjusting encoding parameters based on an estimated decoding processing rate or a target decode processing rate. (Col. 2, lines 40-63; col. 8, line 60 to col. 9, line 5.)

The present invention is directed to controlling the decoding amount based on actual decoding time by directly adjusting the decoding amount. (*E.g.*, specification, page 2.)

Applicants respectfully submit that Walsh does not disclose a “determining” step and the “controlling” step as recited in claim 12 and Walsh does not disclose a “determiner” and “controller” capable of performing the recited functions.

The claims recite that the decode amount is controlled “when it is determined in said determining step that said decoding process has not been completed.” The present specification points out that in the process of receiving moving image data, when the data for a screen is received, the expansion processing is notified of the completion of receiving the screen (step S7). Then it is determined whether or not the expansion process of a preceding screen has been completed (step S9 – “determiner”). If the expansion process for a previous screen has not yet completed, then “low image quality mode” is selected by the “controller” to decrease the decoding amount. (Specification, page 5, line 14 to page 6, line 15.)

Fig. 10 of Walsh demonstrates the processing for the encoding system 100. The encoder estimates the decode rate for a particular set of encoding parameters and then makes adjustments to the encoding parameters to satisfy the target decode rate. (Col. 3, lines 24-32; col. 9, lines 45-50; col. 10, line 65 to col. 11, line 2; Fig. 10, steps 1006 to 1018.)

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In Walsh, the processing for the encoder for a given frame takes place before actual decoding begins. The encoded image signal is adjusted before it is transmitted by transmitter 118 to receiver 210. (See Figs. 1, 2, 10 and 11.) In step 1012, the encoded bitstream is written once it satisfies an estimated or target decode rate. In Fig. 2, Walsh demonstrates that the encoded bitstream is then received by the receiver. The encoded bitstream is written to the memory device 214 and then decoded.

Walsh does not disclose a “determining” step and the “controlling” step as recited in claim 12 and Walsh does not disclose a “determiner” and “controller” capable of performing the recited functions, and these features would not have been obvious.

For at least the foregoing reasons, claims 10-13 are patentable over the cited reference. Accordingly, withdrawal of the rejection of claims 10-13 is hereby solicited.

In view of the above remarks, Applicant submits that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant’s undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'A. Melick', with a stylized flourish at the end.

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